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Letter dated 9 November 2009 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 6 November 2009, addressed to you by Kemal Gökeri, Representative of the Turkish Republic of Northern Cyprus (see annex).

I would be grateful if the text of the present letter and its annex could be circulated as a document of the General Assembly, under agenda item 21, and of the Security Council.

(*Signed*) Ertuğrul **Apakan**
Permanent Representative

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Annex to the letter dated 9 November 2009 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to convey herewith a copy of the letter dated 6 November 2009 addressed to you by Mehmet Ali Talat, President of the Turkish Republic of Northern Cyprus.

I should be grateful if the text of the letter could be circulated as a document of the General Assembly, under agenda item 21, and of the Security Council.

(*Signed*) M. Kemal **Gökeri**
Representative of the Turkish Republic of Northern Cyprus

Enclosure

I have the honour to refer to the statement made by the Greek Cypriot leader, Demetris Christofias, at the high-level plenary meeting of the United Nations General Assembly on 24 September 2009 (see A/64/PV.5) and to bring to your kind attention the following considerations.

It is unfortunate that the representatives of the Greek Cypriot administration, which purports to be the "Government of the Republic of Cyprus", continue to exploit this illegitimate and unlawful title by making erroneous statements before various international organizations, fundamentally distorting the legal and historical facts pertaining to the Cyprus problem. Thus, at the outset, it is imperative to set the record straight as regards the realities that have been prevailing in Cyprus for almost half a century.

The 1960 Republic of Cyprus, which was founded in accordance with international treaties, was destroyed in 1963 by the Greek Cypriot partner's onslaught on the Turkish Cypriot partner, and there has not been a joint central administration in the island since then. Each side has since ruled itself, while the Greek Cypriot side has continued to claim that it is the "Government of Cyprus". Hence, by late December 1963, there was no longer an entity called "Republic of Cyprus" as such, which reflected the 1960 agreements, since one of the partners, namely the Turkish Cypriots, was ousted by force of arms from all the organs of the State and government.

Mr. Christofias' references to the Turkish intervention in 1974 as "invasion" and the subsequent presence of Turkish troops in the island as "occupation" do not reflect the legal and historical facts of the recent history of the island. It is true that there has been an invasion on the island, but this is certainly not the Turkish intervention of 1974, which is fully legitimate as it was conducted in accordance with its obligations under the 1960 Treaty of Guarantee. Rather, it is the Greek Cypriot usurpation of the entire government mechanism since 1963 and the Greek invasion of 15 July 1974, when the junta in Athens staged a coup on the island aimed at the annexation of the island to Greece (Enosis). In a speech before the United Nations Security Council on 19 July 1974, the then Greek Cypriot leader, Archbishop Makarios, in his purported capacity as the deposed "President of the Government of the Republic of Cyprus", stated the following:

> "The coup of the Greek junta is an invasion, and from its consequences the whole people of Cyprus suffers, both Greeks and Turks ... The Security Council should call upon the military regime of Greece to withdraw from Cyprus the Greek officers serving in the National Guard, and to put an end to its invasion of Cyprus." (S/PV.1780, para. 32)

As for Mr. Christofias' remarks in relation to the current negotiating process, contrary to his claim that we agreed that "the process would be in the hands of Cypriots without arbitration and artificial timetables", the view of the Turkish Cypriot side as regards the involvement in the negotiating process of the international community in general and the United Nations in particular has been unequivocally clear from the beginning. We have never agreed with the Greek Cypriot side that there will not be any arbitration or timetables in the process. We are cognizant of the fact that the main responsibility to find a settlement in the island lies first and foremost with the two sides in Cyprus. Nevertheless, this does

not rule out, as the Greek Cypriot side suggests, the possibility of receiving help in the process, when needed, from the international community. The Cyprus problem has been on the agenda of the United Nations for almost half a century. The negotiations have been conducted under the good offices mission of the successive United Nations Secretaries-General. Thus, it is not tenable to suggest that after 40 years of negotiations, the international community, and particularly the United Nations, do not have any role to play in the process. Naturally, the extent of the involvement of the United Nations shall be determined by the developments that will take place in the process. Consequently, the involvement of the United Nations may vary from providing expert support to tabling bridging proposals, and, if required, to arbitration. Outright rejection of any sort of active United Nations involvement would deny us the opportunity to benefit from the considerable expertise of the United Nations accumulated on the Cyprus problem and on similar problems worldwide, and thus would diminish the prospect of achieving a fair and viable settlement in Cyprus. I would, therefore, urge my counterpart to reconsider his opposition to active United Nations involvement.

The view of the Turkish Cypriot side regarding the issue of "timetables" is also known to all concerned. It is an undeniable fact that there are natural timetables in the process, the most important one being the Presidential elections in the Turkish Republic of Northern Cyprus in April 2010. Thus, I have been urging my counterpart to commit himself to finding a settlement in 2009, which can be put to separate simultaneous referendums in the first months of 2010. Taking comfort in its unlawful and illegitimate status as the internationally recognized government of the island and a member of the European Union on behalf of the whole island, the Greek Cypriot side unfortunately prefers to play for time and instead of concentrating on the current process to find a negotiated settlement to the Cyprus problem, aims at extracting unilateral concessions from Turkey by way of exploiting its European Union candidacy. The sooner the Greek Cypriot side realizes that this strategy is bound to fail and focuses on the negotiations, the stronger will be the prospect for an early settlement.

One of the most disturbing parts of Christofias' statement is where he fundamentally distorted the agreed framework for settlement by claiming that "Our goal is the restoration of the sovereignty, territorial integrity, independence and unity of the Republic of Cyprus" and that "we are committed to the evolution of the unitary State into a federal State consisting of two largely autonomous regions". To set the record straight, I would like to remind all concerned, including my counterpart, that what he had described has never been the framework within which the full-fledged negotiations under the auspices of the good offices mission of the United Nations Secretaries-General were conducted. The aim of the negotiations is the creation of a new state of affairs in Cyprus within the framework of a genuine power-sharing arrangement which will fully respect and reflect the cardinal principles of political equality, bicommunality and bizonality. The Turkish Cypriot side categorically rejects negotiating outside the agreed framework and thus would never accept "the restoration of the sovereignty, territorial integrity, independence and unity of the Republic of Cyprus" and "the evolution of the unitary State into a federal State consisting of two largely autonomous regions". Furthermore, it should be stressed, at this point, that within the context of the Cyprus negotiations, the term "autonomous regions" is a new creation by the Greek Cypriot side. Such a reference is tantamount to the total denial of the established United Nations parameters and

agreed framework for settlement. A more serious and sincere approach is required if we are to succeed in our endeavour to achieve a settlement.

In view of the Greek Cypriot attempt to distort the agreed framework of the negotiations, the developments which led to the start of the current process should be recollected. It would be recalled that before the start of the full-fledged negotiations on 3 September 2008, the two leaders in Cyprus had met a number of times and issued joint statements outlining the framework of the comprehensive settlement to be achieved at the end of the process. Aware of the fact that the most basic foundation of each negotiating process is the overriding principle of "*pacta sunt servanda*", the Turkish Cypriot side has remained, and will continue to remain, committed to the framework drawn by the two leaders. We naturally expect that our Greek Cypriot counterparts will also respect the agreed settlement framework which was expressly outlined in the Joint Statement dated 23 May 2008 to the effect that "This partnership will have a Federal Government with a single international personality, as well as a Turkish Cypriot Constituent State and a Greek Cypriot Constituent State, which will be of equal status" (see S/2008/353, annex III).

In addition to the joint statements of the two leaders, the other main pillar of a comprehensive solution in Cyprus is the established settlement parameters of the United Nations. Given that the negotiations are being conducted under the good offices mission of the Secretary-General of the United Nations and that the parties could not start from scratch after 40 years of negotiations, assuming otherwise would be incomprehensible.

Apart from his usual unconvincing rhetoric of "invasion" and "occupation", Mr. Christofias also blames Turkey for pursuing a "confederal solution" in Cyprus. As a matter of fact, Turkey has always been in support of a fair and viable settlement in the island on the basis of the established United Nations parameters. Turkey and the Turkish Cypriot side proved, beyond any doubt, their sincerity for such a settlement in 2004. The positive role Turkey played in 2004 by encouraging the Turkish Cypriots for a "yes" vote to the United Nations Comprehensive Settlement Plan (also known as the Annan Plan) is well recorded in the relevant United Nations documents. As for the current process, Turkey has already stated on numerous occasions its full support to the process and encourages the parties to find a comprehensive settlement as soon as possible. Against this background, the Greek Cypriot false accusations against Turkey can only be considered as a futile attempt aimed at diverting attention from the fact that, despite the unequivocal support of Turkey and the expressed will of the Turkish Cypriot side for settlement, the Cyprus problem remains unresolved owing to the Greek Cypriot "no" vote in 2004. Indeed, what is expected from the Greek Cypriot side is to show its sincerity for a settlement by adopting a flexible approach in the current negotiating process, rather than insisting on its policy of making unfounded allegations against Turkey and the Turkish Cypriot side.

Mr. Christofias also asserts that the Turkish Cypriot side makes proposals in the process which are outside the United Nations framework. The reality, however, is that during the negotiations the Turkish Cypriot side very often feels obliged to urge the Greek Cypriot side to remain within the framework of the United Nations parameters when tabling its proposals. Indeed, the main differences between the two sides in the negotiations are on issues where the Greek Cypriot side has made proposals outside the United Nations parameters. A case in point is the Greek

Cypriot refusal to accept the well-established United Nations definition of the principle of bizonality. As you are well aware, according to the United Nations, "The bizonality of the federation is reflected in the fact that each federated State would be administered by one community which would be guaranteed a clear majority of the population and of land ownership in its area." (The Secretary-General's reports of 1990 (S/21183) and 1992 (S/23780) and Security Council resolution 750 (1992)). This has been a well-established parameter since the early 1990s and all the settlement plans prepared thereafter have envisaged a property regime which, in practice, observed and further developed this principle. I believe that the United Nations has the responsibility to make the necessary intervention when a proposal which clearly falls outside the United Nations parameters is tabled by either side.

In his statement, Mr. Christofias talks about "paradoxes" and "anomalies" in relation to Cyprus. One has to be very careful when he talks about paradoxes within the context of the Cyprus problem. As the issue was brought up, I would like to make some contribution to the subject by drawing your attention to some real paradoxes in the island. Is it not a paradox that the 1960 Republic of Cyprus, which was a partnership republic of Greek Cypriots and Turkish Cypriots, continues to be recognized as the "legitimate Government of the whole island" despite the fact that the Turkish Cypriots were ousted from the government almost half a century ago? Is it not a paradox that such a government became a member of the European Union on behalf of the whole island only a couple of days after it rejected the internationally endorsed United Nations settlement plan and the Turkish Cypriots, who overwhelmingly voted in favour of compromise (a fundamental pillar of the European Union), were left out in the cold? Is it not a paradox that Turkish Cypriots are considered to be European Union citizens, but continue to live under all-embracing isolation in all spheres of life? As a matter of fact, there are paradoxes, there are anomalies and there are grave injustices in Cyprus, and the victims are the Turkish Cypriots.

Mr. Christofias calls on Turkey in his statement to "fulfil its obligations towards the Republic of Cyprus as well as towards the European Union", while the Greek Cypriot side continuously prevents the European Union and the international community from fulfilling their obligations towards the Turkish Cypriots. The promises made and the decisions taken after the Turkish Cypriot "yes" vote for compromise and settlement in 2004 are yet to produce tangible results because of Greek Cypriot blockage. The European Union Council's decision of 26 April 2004, the Council of Europe decision of 29 April 2004 and the report of the Secretary-General of the United Nations of 28 May 2004 are among the plethora of international documents where calls were made for the lifting of the isolation of the Turkish Cypriots. It is all the more disappointing that such efforts of the Greek Cypriot side continue unabated, particularly at a time when full-fledged negotiations to find a comprehensive settlement are under way between the two sides in Cyprus. Naturally, such hostile policies do not instil confidence in the Turkish Cypriot people as regards the sincerity of the Greek Cypriot side in the current settlement process.

Mr. Christofias also asserts that "Turkish Cypriot compatriots are equal citizens of the Republic of Cyprus". This remark begs the question "how the Turkish Cypriots can be considered as the equal citizens of the 'Republic of Cyprus' when they were ousted from the entire state machinery by force of arms almost half a

century ago and when the so-called 'Republic of Cyprus', which was supposed to be a partnership State, has since become a convenient tool for the Greek Cypriot side in taking every measure to suffocate the Turkish Cypriots by further isolating them from the rest of the world?"

In concluding, I would like to reiterate the commitment of the Turkish Cypriot side for the settlement of the Cyprus problem under the auspices of your mission of good offices and on the basis of the established United Nations parameters and body of work. It is my sincere conviction that there exists today a genuine window of opportunity to find a comprehensive settlement to this protracted problem. We already missed a historic opportunity in 2004. We cannot afford to miss another opportunity in the efforts to find a negotiated settlement.

I should be grateful if the text of the present letter could be circulated as a document of the General Assembly, under agenda item 21, and of the Security Council.

(*Signed*) Mehmet Ali **Talat**
President